

### **Remarks**

This Amendment is submitted in response to the Notice of Non-Compliant Amendment mailed December 12, 2007 ("Notice"). The Notice objected to the marking of claims 1, 40, and 144 in the Amendment filed by Applicant on September 24, 2007. This paper includes a re-listing of the amended claims, with the markings in claims 1, 40, and 144 corrected. For the convenience of the Examiner, the remarks accompanying Applicant's September 24, 2007 amendment are reproduced below.

#### **A. Claims in the Case**

Claims 1-27, 30-60, 62-101, 104-145 are pending. Claims 1-27, 30-101, 104-145 are rejected. Claims 1, 40, 53, 71, and 144 have been amended.

#### **B. The Claims Are Not Obvious Over Guinta in View of Barton Under 35 U.S.C. 103(a)**

Claims 1-24, 28-47, 49, 52-57, 61-64, 71-73, 78-99, 102-112 were rejected as being unpatentable over by U.S. Patent No. 5,737,494 to Guinta et al. (hereinafter "Guinta") in view of U.S. Patent Publication 2002/0059093 by Barton et al. (hereinafter "Barton"). Applicant respectfully disagrees with these rejections.

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974); MPEP 2143.03.

Claim 1 has been amended to describe a combination of features including:  
prompting an assessor to select at least two standards against which to assess the organizational process or system, wherein at least one question is provided within

a computer to assess each selected standard, wherein at least one of the two selected standards is a recognized industry standard prescribing system or process criteria regarding cost, delivery, customer satisfaction, manufacturing technology, tool development, industrial quality, and/or environmental/health/safety, and wherein the recognized industry standard is selected based on the general information about the organization process or system;

The Office Action acknowledges that Guinta does not explicitly disclose “prompting an assessor to select at least two standards against which to assess the organizational process or system” and “wherein at least one of the two selected standards is a recognized industry standard prescribing system or process criteria and wherein the recognized industry standard is selected based on the general information about the organization process or system”. The Office Action appears to rely on Barton for these features. The Office Action states:

Barton et al disclose Question owner’s matrix 100 lists compliance assessment areas 102, which are present to the assessor as selected standards on which the assessment is based, wherein the compliance assessment areas include equal employment opportunity, antitrust, and ethical business practices (P0062, figure 4). These types (i.e., equal employment opportunity, antitrust, and ethical business practices) of compliance assessment areas are indeed recognized standards.”

Applicant respectfully disagrees with the Examiner’s position. Barton states:

First, a cross-functional team is assembled 72 to determine what constitutes compliance.

(Barton, paragraph 0056)

Interviews 78 are conducted with process owners for area compliance program status. As used herein interviewing means receiving information. Interviewing includes receiving information via a questionnaire, which may be stored within server 12 as part of the knowledge base. As described above, the knowledge base is stored in a central database within server 12 and may include a questionnaire spreadsheet 80.

(Barton, paragraph 0059)

In one embodiment, interviews 78 (shown in FIG. 3) are conducted in accordance with a question owner's matrix. More specifically, FIG. 4 shows one embodiment of a question owner's matrix 100. A question owner's matrix 100 is used as a guideline for identifying an interviewee for each sub-group of questions. The question owner's matrix 100 is constructed using the knowledge base within server 12. The knowledge base may include any information relevant to conducting an interview relating to compliance. The knowledge base may include, for example, information associating a group of questions with relevant functional knowledge, a summary of the details of program current status, improvement

opportunities, identification of action item owners and a list of potential best practices. The question owner's matrix 100 lists compliance assessment areas 102. Compliance assessment areas 102 are any areas of a business that are being reviewed for compliance. Examples of compliance assessment areas 102 include, but are not limited to infrastructure, equal employment opportunity, antitrust, trade controls, ethical business practices and supplier relationships. The question owner's matrix 100 may also identify potential interviewees 104 by function for each area assessment using the knowledge base. Examples of interviewees 104 include, but are not limited to engineering, marketing, manufacturing, legal, purchasing, finance, and human resources.  
(Barton, paragraph 0062)

Barton appears to teach forming a team to determine what constitutes compliance. Barton also discloses a question owner's matrix 100 lists compliance assessment areas 102. Barton does not appear to teach or suggest prompting an assessor to select at least two standards against which to assess the organizational process or system against which to assess the organizational process or system, let alone to select two standards based on the general information about an organization process or system received as part of the claimed method. The Office Action states:

Both Guinta et al. and Barton et al are concerned with organizational and compliance assessment with respect to specific issues and risks, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include prompting an assessor to select at least two standards in Guinta et al, as seen in Barton et al, thereby giving the assessor in Guinta et al more control over the assessment process, rather than being given questions determined by a computer, thus making the system more robust and flexible

Applicant disagrees that it would have been obvious to prompt the assessor to select at least two standards. Moreover, the Office Action appears to suggest that a motivation to prompt the assessor to select two standards would be to "give the assessor in Guinta et al more control, rather than being given questions determined by a computer." However, claim 1 recites: "where at least one question is provided within a computer to assess each selected standard". Thus, claim 1 is directed to a process in which the computer system would provide questions to assess the selected standards.

For at least the foregoing reasons, Applicant submits that claim 1 and the claims dependent thereon are patentable over the cited art.

For at least the reasons stated above with respect to claim 1, Applicant submits that claims 40, 53, 144, and the claims dependent thereon are patentable over the cited art.

Applicant submits that many of the claims dependent on claims 1, 40, 53, and 144 are separately patentable. For example, claim 30 recites: “prompting an assessor to provide recommendations to improve the organizational process or system.” The cited art does not appear to teach or suggest at least this feature in combination with the other features of the claims.

Guinta states:

On-site evaluation teams might then be directed to focus their efforts on investigating the 8 issues that were below 45% instead of all 100 issues, thereby saving manpower and expense.  
(Guinta, column 14, lines 55-58)

Guinta describes directing on-site evaluation teams to focus their efforts on certain issues instead of all the issues. Guinta does not appear to teach or suggest prompting an assessor to provide recommendations to improve the organizational process or system, in combination with the other features of claim 30.

Claim 31 recites: “prompting an assessor to provide recommendations to improve the organizational process or system by use of a user adjustable icon system, wherein selecting a value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon.” The Office Action relies on Guinta, “i.e., sliding bar scale, figure 5E”. Fig. 5E depicts two bar scales. One of the bar scales is under the question: “How well does your process address this issue?”, and has a bar between 0 and 60 %. The second bar scale is under the question: “How well is your process deployed?”, and has a bar between 20 % and 80 %. Guinta does not appear to teach or suggest wherein selecting a value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon. For at least the foregoing reasons, Applicant submits that claim 31 is allowable over the cited art.

Claim 71 has been amended to include the features of claim 31. Claim 71 recites in part: prompting an assessor to provide recommendations to improve the organizational process or system by use of a user adjustable icon system, wherein selecting a value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon. For at least the reasons stated above with respect to claim 31, Applicant submits that claim 71 is allowable over the cited art.

**D. The Claims Are Not Obvious Over Guinta Pursuant To 35 U.S.C. § 103(a)**

Claims 65, 66, 69, 70, 113, 114, and 118-122 were rejected as being unpatentable over Guinta under 35 U.S.C. §103(a). Applicant respectfully disagrees with these rejections.

65 and 113 include a combination of features to modifying the available range of answers for a subsequent question based on input to a first question including, but not limited to, the features of: “receive a first input from a user, the first input corresponding to movement of an indicator on the first user adjustable icon, wherein a maximum value of the first input is greater than zero” and “determine a second allowed input range for a second user adjustable icon based on the first input, wherein the second input is equal to or greater than the maximum value of first input.”

Applicant submits that Guinta does not teach that a second allowed input range for a second user adjustable icon is determined based on the first input, when the first input is greater than zero. In the section of Guinta cited by the Office Action, Guinta teaches that the second numerical input is a separate question related to the assessment of the organization’s quality policy. Guinta states: “FIG. 5E prompts the assessor to input a second numerical input which reflects the assessor’s perception of how well the process is deployed. In other words, the assessor inputs a numerical evaluation of how extensively the assessed process (or system is actually used or deployed” (Guinta, column 18, lines 37-40). Guinta does not teach or suggest that this available range is modified and/or determined based on the first input.

Applicant submits that the combination of the features of the claims including, but not limited to, the features of, “receive a first input from a user, the first input corresponding to movement of an indicator on the first user adjustable icon, wherein a maximum value of the first input is greater than zero” and “determine a second allowed input range for a second user adjustable icon based on the first input, wherein the second input is equal to or greater than the maximum value of first input” is not taught or suggested by Guinta.

The Office Action states:

Guinta et al does not explicitly disclose wherein the second input is equal to or greater than the maximum value of the first input. However, Guinta et al disclose a second numerical input disclosing how extensively a process or system is deployed (column 7, lines 39-41), wherein the second input may be relatively low in comparison to the first input. As such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the second input is equal to or greater than the maximum value of the first input in Guinta et al, as an effective means of determining the necessary correction action to implement thus making Guinta more robust and flexible.

Applicant respectfully disagrees. Applicant submits that having an “effective means of determining the necessary corrective action” does not provide a motivation to include a second input equal to or greater than the maximum value of the first input. Applicant submits that claims 65 and 113 and the claims dependent thereon are patentable over Guinta.

Claim 121 recites: “wherein determining the second allowed input range for the second user adjustable icon comprises setting a minimum allowed value or the second allowed input range to be equal to the first input.” The Office Action relies on Guinta with respect to this claim. The Office Action does not, however, appear to cite any portion Guinta with respect to the above-quoted features of claim 121. Applicant submits that Guinta does not teach or suggest at least this feature, in combination with the other features of the claim.

Claim 122 recites: “wherein determining the second allowed input range for the second user adjustable icon comprises setting a maximum allowed value or the second allowed input range to be equal to the first input.” The Office Action relies on Guinta with respect to this claim. The Office Action does not, however, appear to cite any portion Guinta with respect to


the above-quoted features of claim 122. Applicant submits that Guinta does not teach or suggest at least this feature, in combination with the other features of the claim.

**E. Additional Remarks**

Based on the above, Applicant respectfully requests favorable reconsideration.

If any extension of time is required, Applicant respectfully requests the additional extension of time. If any fees are omitted or if any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5078-02500/EBM.

Respectfully submitted,

  
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